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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,838	02/13/2002	Graham Roderick Lodge	P01,0587	6336

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SCHIFF HARDIN, LLP  
PATENT DEPARTMENT  
6600 SEARS TOWER  
CHICAGO, IL 60606-6473

EXAMINER
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ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/074,838

Applicant(s)

LODGE, GRAHAM RODERICK

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/20/02, 8/21/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 3/27/06, the following is a non-final communication. Prosecution has been re-opened on this case. Claims 1, 2, 4-10, and 12-14 have been amended. Claims 1-14 are pending in this application and have been examined on the merits. Claims 1-14 are rejected as follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koperda et al (US 7,028,088).

As per claims 1, 7, 9, Koperda et al discloses:

a processing unit/...having a processing unit/providing...a processing unit, (Col. 13, lines 52-54, processor 261);

a data transmission device connected to said processing unit and adapted for transmitting information between said processing unit and a remote data center via a telecommunication network/a data center located remote from said...meter machine; a data transmission device connected to said processing unit and adapted for transmitting information between said processing unit and said data center via a telecommunication

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network/and a data transmission device..., (Col. 13, lines 54-57, downstream modulator);

said data transmission device including a connection arrangement for making a communication connection to a shared telecommunication line of said telecommunication network, said shared telecommunication line being shared by said data transmission device and a further telecommunication device/including in said data transmission device a connection arrangement for making a communication connection to said shared telecommunication line of said telecommunication network, (Col. 9, lines 43-48, shows multiple receive/transmit channels where data is transmitted, which may be shared with other subscribers);

a monitoring device connected to said processing unit for monitoring a usage status of said telecommunication line, said usage status indicating usage of said shared telecommunication line by said further telecommunication device, and for providing usage status information to said processing unit/with a monitoring device connected..., (Col. 11, lines 24-32, link access control gathers information as to how much data each user sharing facilities is transmitting and monitors usage statistics and provides this information regarding the status of the data transmission); and

said processing unit controlling a connection setup to said telecommunication network via said shared telecommunication line by said data transmission device dependent on said usage status information/controlling, via said processing unit, a connection setup..., (Col. 11, lines 34-37, feedback link from the link access control informs which network access devices have authorization to transmit and which do not).

Koperda et al does not specifically disclose a postage meter machine, where it is determined how much to charge for use of postage, but does disclose a system for providing billing in a cable environment where meters are used for determining how much to charge for use of cable. Therefore, it would be obvious to have a connection via shared telecommunication line that is dependent on the usage status information for any type of meter, including a postage meter.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a connection via shared telecommunication line that is dependent on the usage status information for a postage meter with the motivation of determining how to make a connection for a postage meter in a shared environment.

As per claims 2, 10, Koperda et al discloses:

Wherein said processing unit suppresses setup of said connection by said data transmission device if said usage status information indicates that said shared telecommunication line is in use by said further telecommunication device/comprising via said processing unit, suppressing setup of said connection..., (Col. 14, lines 33-43, shows that data transmission goes from all user modems to the MHE, and in this case control circuits tell modem *when not* to transmit to the MHE, however, this depends upon the status as shown in col. 11, line 65-Col. 12, line 2, here it is shown that the hub element manager monitors the status of the network, w/Col. 13, lines 17-23, shows the ability to load information into the LAC (link access control) circuit from the hub element manager to determine which users are authorized and the level of performance authorized for each user as well as the health of connections).

As per claims 3, 11, Koperda et al discloses:

wherein said usage status information includes a suppression signal generated by said monitoring device/comprising including a suppression signal generated..., (col. 14, lines 20-22, each modem includes one or more frequency selectable tuners separating the directions of transmission of the combined signal).

As per claims 4, 12, Koperda et al discloses:

Wherein said monitoring device identifies an attempt at a connection setup via said shared telecommunication line by said further telecommunication device, and includes information identifying said attempt in said usage status information/comprising identifying, via said monitoring device, an attempt at a connection setup..., (Col. 17, lines 14-20, shows new connection attempted, w/cool. 11, line 65-Col. 12, line 2, here it is shown that the hub element manager monitors the status of the network, w/Col. 13, lines 17-23, shows the ability to load information into the LAC (link access control) circuit from the hub element manager to determine which users are authorized and the level of performance authorized for each user as well as the health of connections).

As per claims 5, 13, Koperda et al discloses:

wherein said monitoring device generates an interrupt signal in said usage status information upon identification of said attempt, and wherein said processing unit, upon receiving said interrupt signal, causes said data transmission device to interrupt use of said shared telecommunication line/comprising including an interrupt signal in said usage status information upon identification of said attempt...,

(Col. 17, lines 9-20, disconnect an existing connection w/ col. 11, line 65-Col. 12, line 2, here it is shown that the hub element manager monitors the status of the network, w/Col. 13, lines 17-23, shows the ability to load information into the LAC (link access control) circuit from the hub element manager to determine which users are authorized and the level of performance authorized for each user as well as the health of connections).

As per claims 6, 8, 14, Koperda et al does not specifically disclose the following:

wherein said interrupt signal is a first interrupt signal, and wherein said monitoring device, upon receiving a control signal from said processing unit to interrupt said use of said shared telecommunication line by said data transmission device, generates a second interrupt signal and transmits said second interrupt signal to said data center via said shared telecommunication line before interrupting said connection/...and includes a first interrupt signal in said usage status information supplied to said processing unit, and wherein said processing unit, upon receiving said first interrupt signal, supplies a control signal to said data transmission device instructing said data transmission device to interrupt said connection, and wherein said data transmission device, upon receipt of said control signal, generates a second interrupt signal and transmits said second interrupt signal to said data center via said shared telecommunication line before interrupting said connection/wherein said interrupt signal is a first interrupt signal, and comprising generating a second interrupt signal in said monitoring device, upon receiving a control signal from said processing unit to interrupt said use of said

telecommunication line by said data transmission device, and transmitting said second interrupt signal to said data center via said shared telecommunication line before interrupting said connection.

However, Koperda et al does disclose a shared telecommunication line in Col. 9, lines 43-48, where a connection an attempt at a connection is identified in Col. 17, lines 14-20, and a connection may be interrupted by disconnecting an existing connection in col. 17, lines 9-20, and where each modem includes one or more frequency selectable tuners separating the directions of transmission of the combined signal in col. 14, lines 20-22,. It would therefore be obvious to have both a first and a second interrupt signal when interrupting a connection since there are actually two lines.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the interrupt signal to be a first interrupt signal, and wherein said monitoring device, upon receiving a control signal from said processing unit to interrupt said use of said shared telecommunication line by said data transmission device, to generate a second interrupt signal and transmit said second interrupt signal to said data center via said shared telecommunication line before interrupting said connection with the motivation of sending an indication to discontinue all connections in a shared environment.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read "A. R. B.", followed by a second, more elaborate handwritten signature that appears to read "John Hayes".

A. R. B.

November 3, 2006